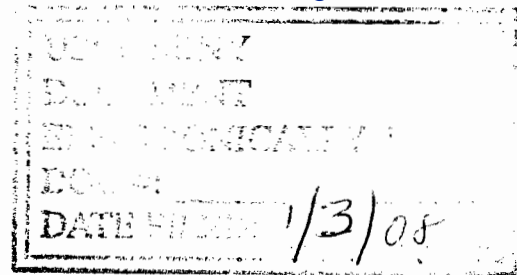


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
SAMUEL MONTERO,

Plaintiff,

-v.-

CORRECTION OFFICER JOHN DOE, et al.,

Defendants.
-----X

ORDER

07 Civ. 3228 (VM) (GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge.

The complaint in this matter was filed pro se by the incarcerated plaintiff on April 23, 2007 naming three “John Doe” Correction Officers as defendants. The action is brought pursuant to 42 U.S.C. § 1983 and alleges that plaintiff was held by two officers and punched by a third officer.

Plaintiff has not supplied the U.S. Marshal with a form to effectuate service on the three John Doe Correction Officers because the Marshal cannot effectuate service on a “John Doe” defendant. See Letter to Hon. Victor Marrero, filed Oct. 17, 2007 (Docket # 5). Plaintiff has requested assistance to determine the names of these individuals. See id.

Under Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997), this Court has the obligation to assist the plaintiff in obtaining the information necessary to effectuate service. If Montero were represented, he would issue a subpoena pursuant to Rule 45 to obtain this information from the New York City Department of Correction. The complaint (a copy of which is enclosed) supplies sufficient information to permit the City of New York to identify the three Correction Officers and thus to provide information sufficient to permit service.

Because of its obligation under Valentin, the Court hereby ORDERS the Corporation Counsel, who is the attorney for and agent of the New York City Department of Correction, to provide to the plaintiff the names and addresses of the three John Doe Correction Officers so that the United States Marshal may promptly effectuate service. This information shall be provided to the plaintiff by letter on or before February 8, 2008, with a copy to the undersigned. The Corporation Counsel shall write a letter to the Court on or before January 16, 2007 indicating that it is in receipt of this Order.

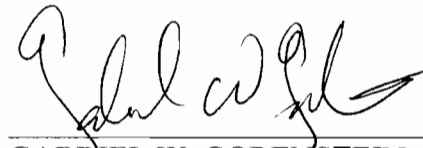
On or before February 29, 2008, plaintiff must (1) file an amended complaint that names these individuals and (2) provide the information to the United States Marshal on the appropriate forms (Form 285) so that service may be effectuated. The deadline for the Marshal to effectuate

service under Fed. R. Civ. P. 4(m) is extended to May 31, 2008. The Clerk is authorized to issue an amended summons as necessary.

The Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York ((212) 805-0175) may be of assistance in connection with court procedures.

SO ORDERED.

Dated: January 2, 2008
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copy to:

Hon. Michael Cardozo
By: Muriel Goode-Trufant
Assistant Corporation Counsel
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